

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:04CR190
)	
v.)	
)	
ROMMEL SMITH,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the stipulation of the parties (Filing No. [157](#)), and the voluntary withdrawal of notice of appeal (Filing No. [160](#)). Pursuant to the retroactive amendment to the cocaine base guidelines, the defendant's final offense level is reduced from 40 to 38. His criminal history category remains at II. The government and defense agree that his sentence should be reduced to one hundred ninety-four (194) months imprisonment, considering the prior computation of specific offense characteristics, adjustments, and departures. Accordingly,

IT IS ORDERED:

- 1) The voluntary withdrawal of notice of appeal is granted; defendant's notice of appeal is deemed withdrawn.
- 2) The stipulation of the parties is approved and adopted; the sentence of the defendant is reduced to one hundred ninety-four (194) months.

3) The conditions of supervised release entered in the original judgment and committal order dated April 18, 2005, (Filing No. [85](#)) remain in full force and effect.

DATED this 30th day of June, 2010.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this _____ day of _____, 2010.

Signature of Defendant

RETURN

It is hereby acknowledged that the defendant was delivered on the _____ day of _____, 2010 to _____, with a certified copy of this judgment.

UNITED STATES WARDEN

By: _____

NOTE: The following certificate must also be completed if the defendant has not signed the Acknowledgment of receipt, above.

CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this _____ day of _____, 2010.

UNITED STATES WARDEN

By: _____